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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,425	09/15/2003	Chia-Ta Hsieh	N1085-00125[TSMC2002-0928	2706
8933	7590	09/30/2004	EXAMINER	
DUANE MORRIS, LLP IP DEPARTMENT ONE LIBERTY PLACE PHILADELPHIA, PA 19103-7396			HOANG, HUAN	
			ART UNIT	PAPER NUMBER
			2818	

DATE MAILED: 09/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/663,425	HSIEH ET AL.	
	Examiner	Art Unit	
	Huan Hoang	2818	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1,6,7,9,10 and 12-17 is/are rejected.
- 7) Claim(s) 2-5,8 and 11 is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>091503</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 6, 7 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Choi et al..

Choi et al. discloses a flash memory cell and a method of programming a flash memory cell having all the elements and steps as recited in claims 1, 6, 7 and 10 as follows:

- a substrate having a plurality of active regions (32, 33 and 34, Fig. 7);
- a floating gate structure disposed over the substrate, the floating gate extending across at least three of the active regions (32, 33 and 34, Fig. 7) of the substrate;
- wherein the floating gate structure and the at least three active regions define at least two channel regions (37 and 38, Fig. 7 and column 4, lines 31-38) dedicated for programming.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9 and 12-17 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Choi et al. in view of Frayer.

Choi et al. (Fig. 7) shows all the elements as recited in claim 9 except for the floating gate and control gate structures comprising a split gate structure. Frayer discloses a split gate structure to control the flow of current in a different portion of the channel in a nonvolatile memory device (column 1, lines 26-29. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Choi et al. by using a split gate structure for the floating gate and the control gate to control the flow of current in a different portion of the channel in a memory device.

Choi et al. shows a memory cell structure as recited in claims 12-17 except for a method of programming the memory cell by applying voltages to the drains and the floating gate and control gate structures comprising a split gate structure. However, the steps of applying voltages to the drain and source of the memory cell are well-known in the art to provide electric fields for injecting the charges in the memory cell in a programming operation and Frayer discloses a

split gate structure to control the flow of current in a different portion of the channel in a nonvolatile memory device (column 1, lines 26-29). It would have been obvious to one having ordinary skill in the art at the time the invention was made to apply voltages to the drains of the memory cell to inject the charges in the memory cell in a programming operation and to use a split gate structure for the floating gate and the control gate to control the flow of current in a different portion of the channel in a memory device.

Allowable Subject Matter

5. Claims 2-5, 8 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Claims 2-5, 8 and 11 recite the floating gate structure associated with a source region and the control gate structure associated with at least three regions of the substrate.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huan Hoang whose telephone number is (571) 272-1779. The examiner can normally be reached on Mon-Fri 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David C Nelms can be reached on (571) 272-1787. The

fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Huan Hoang
Primary Examiner
Art Unit 2818

HH
9/13/04.